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10/580,515	10/30/2006	Bei Wang	CN020023	2067

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EXAMINER	
HOANG, SON T	

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
06/17/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/580,515	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> SON T. HOANG	<b>Art Unit</b> 2165	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 9, 2010 has been entered.

### ***Response to Amendment***

2. **Claims 1-25**, and **31-40** are canceled.
- Claims 26-28**, and **30** are amended.
- Claims 26-30 are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to the 35 U.S.C. 103(a) rejections of the pending claims have been considered but are moot in view of a new ground of rejections presented hereon.

### ***Claim Objection***

4. **Claim 27** is objected to because there is no proper antecedent basis for term "the Extensible Markup Language (XML), Synchronized Multimedia Integrated

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*Language (SMIL). and a custom-defined meta-language."* Revision and/or correction are required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 26** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 26**, it contains a limitation of "...so as to expand their data type" on line 8. This limitation is not supported by the specification (particularly the word "expand"). Revision and/or correction are required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. **Claims 26-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (*Pub. No. US 2003/0110320, filed on December 11, 2002; hereinafter Ono*) in view of Mercer et al. (*Pub. No. US 2004/0078382, filed on October 17, 2002; hereinafter Mercer*), further in view of Yokota et al. (*Pub. No. US 2001/0021965, published on September 13, 2001; hereinafter Yokota*).

Regarding **claim 26**, Ono clearly shows and discloses an optical storage medium (*Figure 1, #2*), comprising:

at least one of a plurality of content object files each having one of a plurality of data types and one of a plurality of data formats for playback on a data processing system appropriate for playback of the content object files of at least one data format (*Figure 3 shows a memory card storing a plurality of data types of video, audio, and still images for playback by system 1 of Figure 1, [0063]. Note that each data type has a different data format such as BMP, JPEG for images and MPEG or Quicktime for videos*), [0096]);

an application layer including a generic logic format having a data structure implemented for describing the content object files on the optical storage medium so as to expand their data type (*Figures 3-4 show a data structure of application layer on the memory card describing audio files, video files, and still images stored on the memory card*);

said generic format preventing dependence of the object files on physical character of the optical storage medium (*formats such as Video CD or Photo CD can be stored on the memory card using data structures of Figures 3-4, [0096]*).

Mercer then discloses:

at least one object definition file associated with each content object file for describing the data type and data format in content object files *Figure 7 shows structure of CONTENTS.HTM, [0086]. The CONTENTS.HMT file contains information about all the media files present on the medium, [0115] and Table 8 in [0093]*; and

an index file including a table of contents having a reference to the content object files (*Figure 7 shows the structure of the MENU.HMT file. Such MENU.HTM file contains multiple menu header, each menu header comprises a playlist field, which stores a reference to one or more media files, and a summary field, [0071]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Mercer with the teachings of Ono for the purpose of creating and reading an adaptive menu system for use with media players.

Yokota then discloses a physical layer directly linked to a physical character of the optical storage medium, wherein the application layer is independent from said physical layer (*Figures 4-5 and [0095]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Yokota with the teachings of Ono, as modified by Mercer, for the purpose of utilizing a recording or processing apparatus capable of executing operations so as to enable a user to manipulate content in a relatively easy and efficient manner.

Regarding **claim 27**, Mercer further discloses the at least one object definition file and the index file are written in a meta-language that includes at least one of the Extensible Markup Language (XML), Synchronized Multimedia Integrated Language (SMIL), and a custom-defined meta-language (*CONTENTS.HMT*, *nnnnnnnn.HMT*, *MENU.HMT*, and *TEXT.HMT*, [0115]).

Regarding **claim 28**, Mercer further disclose:

the application layer further comprises a plurality of content objects file each corresponding to one of the plurality of data types and data formats (*exemplary compressed media format of the invention encompasses audio, still images, and video media files 1004 in various formats*, [0098]),

a plurality of object definition files each defining the data type in the corresponding content object file (*Figure 7 shows structure of CONTENTS.HTM*, [0086]), and

a presentation file including presentation definitions of the content object files to be played (*playlist is a convenient way to organize groups of audio, video, and image files on a computer-readable medium. The playlist may include, but is not limited to, one*

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*or more of the following: a media file, a group of audio files, a group of video files, a group of timed image sequences, and a group of various complex parallel combinations of images with audio or video, [0034]).*

Regarding **claim 29**, Mercer further discloses the application layer further comprises a file system (*compressed media format for use with the invention defines a logical format for organizing compressed media files 1004 in a file system 1006 on computer-readable media 1008 such as optical discs, [0098]).*

Regarding **claim 30**, Mercer further discloses the presentation file includes a playlist definition file (*There is one file for each playlist on the medium called `nnnnnnnn.HMT` where nnnnnnnn is a hexadecimal playlist file identifier. These playlist files are created in a `PLAYLIST` subdirectory, [0115] and FIG. A1).*

### ***Conclusion***

7. These following prior arts made of record and not relied upon are considered pertinent to Applicant's disclosure:

Murakami et al. (*Pub. No. US 2003/0049029*) teaches recording apparatus, recording method and program, and recording medium.

Habuto et al. (*Pat. No. US 6,810,441*) teaches apparatus, method and system for reading/writing data and medium for providing data read/write program.



***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday – Friday (7:00 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Neveen Abel-Jalil can be reached on (571) 272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son T. Hoang/  
Primary Examiner, Art Unit 2165  
June 14, 2011